IN THE CLAIMS:

Please amend the claims according to the following listing of claims:

1. (Cancelled)

2. (Currently Amended) ~~The~~ In a packet-based multi-user radio communication system in which a data source originates multicast data, an improvement of apparatus for a radio access network (RAN) part of the radio communication system for selectably facilitating communication of the multicast data to a first mobile user endpoint and at least a second mobile user endpoint, said apparatus ~~of claim 1~~ comprising:

an identifier positioned at the radio access network, said identifier for identifying when communication of the multicast data is to be effectuated upon a common channel, common to both the first mobile user endpoint and the at least the second mobile user endpoint; and

a point to multi-point bearer implementer coupled to said identifier, said point to multi-point bearer implementer for implementing a multicast of the multicast data upon the common channel to the first and at least second mobile user endpoint, respectively, when said identifier identifies that the communication of the multicast data is to be effectuated upon the common channel,

wherein the radio access network defines at least a first cell forming a corresponding at least first coverage area within which communication with the first and at least second mobile user endpoints, when positioned therein, is effectuable, and wherein said identifier identifies at least when the first and at least second mobile user endpoints are likely to be within the at least the first cell.

3. (Currently Amended) The apparatus of claim 2 wherein identifications made by said identifier identify when the first and at least second mobile user endpoints are both at least likely to be within the cell and to request the communication of the multi~~ple~~-cast data thereto.

4. (Currently Amended) The apparatus of claim 3 wherein the first and at least second mobile user endpoints each generate requests to request communication of the multi~~ple~~-cast data thereto and wherein said identifier identifies when any of the first and at least second mobile user endpoints requests the communication of the multi~~ple~~-cast data thereto.

5. (Currently Amended) The apparatus of claim 4 wherein said identifier further comprises a counter for counting the requests generated by the first and at least second mobile user endpoints for communication of the multi~~ple~~-cast data thereto and a comparator coupled to the counter to receive indications of a count of the requests counted thereat, said comparator for comparing the count with a threshold value.

6. (Currently Amended) The apparatus of claim 5 wherein said identifier identifies that the communication of the multi~~ple~~-cast data is to be effectuated upon the common channel when the count compared by the comparator is beyond the threshold value.

7. (Original) The apparatus of claim 4 wherein the requests generated by the first and at least second mobile user endpoints comprise PDP (Packet Data Protocol) context activation requests.

8. (Currently Amended) The apparatus of claim 7 wherein the PDP context activation requests generated by the first and at least second mobile user endpoints and identified by said identifier are routed to the data source at which the multi~~ple~~-cast data is originated, the data source identified by an IP (Internet Protocol) Multicast address, and the multi~~ple~~-cast data generated by the data source routed to the radio access network pursuant to an IP Multicast.

9. (Currently Amended) The apparatus of claim 8 wherein said point to multi-point bearer implementer selectably broadcasts the multi~~ple~~-cast data provided to the radio access network as the IP Multicast as a RANcast upon the common channel.

10. (Original) The apparatus of claim 2 wherein the radio access network comprises a radio network controller (RNC) and wherein said identifier and said point to multi-point bearer implementer are embodied at the radio network controller.

11. (Original) The apparatus of claim 10 wherein the requests generated by the first and at least second mobile user endpoints and identified by said identifier are generated pursuant to a signaling exchange with the radio network controller.

12. (Original) The apparatus of claim 2 wherein the radio access network further comprises a first base transceiver station and at least a second base transceiver station, the first base transceiver station defining the first cell and the at least the second base transceiver station defining at least a second cell, and wherein identifications made by said identifier are made

separately for mobile user endpoints at separate ones of the first and at least second cells, respectively.

13. (Currently Amended) The apparatus of claim 12 wherein said point to multi-point bearer implementer implements the multi~~ple~~-cast upon the common channel selectably in the first cell and in the at least the second cell responsive to the indications made by said identifier separately at the separate ones of the first and at least second cells.

14. (Currently Amended) ~~The~~ In a packet-based multi-user radio communication system in which a data source originates multicast data, an improvement of apparatus for a radio access network (RAN) part of the radio communication system for selectably facilitating communication of the multicast data to a first mobile user endpoint and at least a second mobile user endpoint, said apparatus ~~of claim 1~~ comprising:

an identifier positioned at the radio access network, said identifier for identifying when communication of the multicast data is to be effectuated upon a common channel, common to both the first mobile user endpoint and the at least the second mobile user endpoint; and

a point to multi-point bearer implementer coupled to said identifier, said point to multi-point bearer implementer for implementing a multicast of the multicast data upon the common channel to the first and at least second mobile user endpoint, respectively, when said identifier identifies that the communication of the multicast data is to be effectuated upon the common channel,

wherein the multicast data is selectably transmitted as separate unicasts to at least a selected one of the first mobile user endpoint and the at least the second mobile user endpoint

and wherein the multicast data is communicated pursuant to the separate unicasts when said identifier fails to identify that the communication of the multicast data is to be effectuated upon the common channel.

15. (Cancelled)

16. (Currently Amended) ~~The~~ In a method ~~of claim 15 further~~ for communicating in a packet-based multi-user radio communication system in which a data service originates multicast data, an improvement of a method for selectably facilitating communication of the multicast data to a first mobile user endpoint and at least a second mobile user endpoint, said method comprising:

an ~~the~~ initial operation, performed selectably by the first and at least second mobile user endpoints, of requesting delivery of the multicast data;

identifying when communication of the multicast data is to be effectuated upon a common channel, the common channel common to both the first mobile user endpoint and the at least the second mobile user endpoint, and

implementing a point to multi-point bearer for casting of the multicast data upon the common channel to the first and at least second mobile user endpoint, respectively, when identification is made during said operation of identifying that the communication of the multicast data is to be effectuated upon the common channel.

17. (Currently Amended) The method of claim 16 wherein said operation of identifying comprises counting the requests generated during said operation of requesting and identifying the

communication of the multiple cast data to be effectuated upon the common channel when the requests counted during said operation of counting exceed a selected threshold.

18. (Currently Amended) The In a method of claim 15 for communicating in a packet-based multi-user radio communication system in which a data service originates multicast data, an improvement of a method for selectably facilitating communication of the multicast data to a first mobile user endpoint and at least a second mobile user endpoint, said method comprising:

identifying when communication of the multicast data is to be effectuated upon a common channel, the common channel common to both the first mobile user endpoint and the at least the second mobile user endpoint, and

implementing a point to multi-point bearer for casting of the multicast data upon the common channel to the first and at least second mobile user endpoint, respectively, when identification is made during said operation of identifying that the communication of the multicast data is to be effectuated upon the common channel,

wherein the radio access network defines at least a first cell forming a corresponding at least first coverage area, and wherein said operation of identifying identifies at least when the first and at least second mobile user endpoints are likely to be within the at least the first cell.

19. (Cancelled)

20. (Cancelled)